IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION	MDL No. 2545 Master Docket Case No. 1:14-cv-01748 Honorable Matthew F. Kennelly
Torrence Moody Plaintiff(s), v. Eli Lilly and Company, Lilly USA, LLC Acrux Commercial Pty Ltd., Acrux DDS Pty Ltd. Defendant(s). *All parties are to be included per Fed.R.Civ.P. 10(a)*	Case No.:

MASTER SHORT-FORM COMPLAINT
FOR INDIVIDUAL CLAIMS

1. Plaintiff(s), Torrence Moody, state(s) and incorporate(s) by reference the portions indicated below of Plaintiffs' Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545. Plaintiff(s) [is/are] filing this Short Form Complaint as permitted by Case Management Order No. 20 of this Court for cases filed directly into this district.

2. In addition to the below-indicated portions of the Master Long Form Complaint adopted by the plaintiff(s) and incorporated by reference herein, Plaintiff(s) hereby allege(s) as follows:

VENUE

3. Venue for remand and trial is proper in the following federal judicial district: District of New Jersey

IDENTIFICATION OF PLAINTIFF(S) AND RELATED INTERESTED PARTIES

4. Name and residence of individual injured by Testosterone Replacement Therapy product(s) ("TRT"): Torrence Moody, 532 S. Brentwood Drive, Mount Laurel, NJ 08504

5. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: Francis Moody

6. Survival and/or Wrongful Death claims:

a. Name and residence of Decedent when he suffered TRT-related injuries and/or death:

N/A

b. Name and residence of individual(s) entitled to bring the claims on behalf of the decedent's estate (e.g., personal representative, administrator, next of kin, successor in interest, etc.)

N/A

CASE SPECIFIC FACTS REGARDING TRT USE AND INJURIES

7. Plaintiff currently resides in (city, state): Mount Laurel, NJ

8. At the time of the TRT-caused injury, [Plaintiff/Decedent] resided in (city, state): Mount Laurel, NJ

9. [Plaintiff/Decedent] began using TRT as prescribed and indicated on or about the following date: June, 2012

10. [Plaintiff/Decedent] discontinued TRT use on or about the following date: October, 2014

11. [Plaintiff/Decedent] used the following TRT products, which Plaintiff contends caused his injury(ies):

- ☐ AndroGel
- ☐ Testim
- ☑ Axiron
- ☐ Depo-Testosterone
- ☐ Androderm
- ☐ Testopel
- ☐ Fortesta
- ☐ Striant
- ☐ Delatestryl
- ☐ Other(s) (please specify): ______________________________

12. [Plaintiff/Decedent] is suing the following Defendants:

- ☐ AbbVie Inc.
- ☐ Abbott Laboratories
- ☐ AbbVie Products LLC
- ☐ Unimed Pharmaceuticals, LLC
- ☐ Besins Healthcare Inc.
- ☐ Besins Healthcare, S.A.

- ☑ Eli Lilly and Company
- ☑ Lilly USA, LLC
- ☑ Acrux Commercial Pty Ltd.
- ☑ Acrux DDS Pty Ltd.

- ☐ Pfizer, Inc.
- ☐ Pharmacia & Upjohn Company Inc.

- ☐ Endo Pharmaceuticals, Inc.
- ☐ Auxilium Pharmaceuticals, Inc.
- ☐ GlaxoSmithKline, LLC

- ☐ Actavis, Inc.
- ☐ Actavis Pharma, Inc.
- ☐ Actavis Laboratories UT, Inc.
- ☐ Anda, Inc.

☐ Other(s) (please specify):______________________________

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13. [Plaintiff/Decedent] is bringing suit against the following Defendant(s), who did not manufacture TRT and only acted as a distributor for TRT manufacturers:

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a. TRT product(s) distributed:______________________________

b. Conduct supporting claims: ______________________________

14. TRT caused serious injuries and damages including but not limited to the following:

Pulmonary Embolism and Deep Vein Thrombosis

15. Approximate date of TRT injury: April 27, 2013

ALLEGATIONS, CLAIMS, AND THEORIES OF RECOVERY ADOPTED AND INCORPORATED IN THIS LAWSUIT

16. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference as if set forth fully herein, all common allegations contained in paragraphs 1 through 466 of the Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545.

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference as if set forth fully herein, the following damages and causes of action of the Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545:

- [x] Count I – Strict Liability – Design Defect
- [x] Count II – Strict Liability – Failure to Warn
- [x] Count III – Negligence

- [x] Count IV – Negligent Misrepresentation
- [x] Count V – Breach of Implied Warranty of Merchantability
- [x] Count VI – Breach of Express Warranty
- [x] Count VII – Fraud
- [x] Count VIII – Redhibition
- [x] Count IX – Consumer Protection
- [x] Count X – Unjust Enrichment
- [ ] Count XI – Wrongful Death
- [ ] Count XII – Survival Action
- [x] Count XIII – Loss of Consortium
- [x] Count XIV – Punitive Damages
- [x] Prayer for Relief
- [ ] Other State Law Causes of Action as Follows:______________________________

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JURY DEMAND

Plaintiff(s) demand(s) a trial by jury as to all claims in this action.

Dated this the 1st day of April, 2017.

RESPECTFULLY SUBMITTED
ON BEHALF OF THE PLAINTIFF(S),

/s/ Spencer P. Browne
Signature

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